

MAINE STATE LEGISLATURE

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Only
ROPS

L.D. 1833

Date: 4/2/14

(Filing No. S-491)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 736, L.D. 1833, Bill, "An Act To Improve Workers' Compensation Protection for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance"

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the Workers' Compensation Board To Further Study Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation payments is of great concern; and

Whereas, more time is needed to seek stakeholder input so that comprehensive legislation to address this issue may be finalized in time for presentation to the 127th Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Workers' Compensation Board to study and report. Resolved:

That, notwithstanding Joint Rule 353, the Workers' Compensation Board shall convene a working group and conduct a study on the issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation payments, including the prevalence of the problem and potential funding sources to address the problem, and report to the joint standing committee of the Legislature having jurisdiction

COMMITTEE AMENDMENT

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over labor matters by February 1, 2015 with recommendations and draft implementing legislation to address this problem; and be it further

Sec. 2. Working group. Resolved: That the executive director of the Workers' Compensation Board shall convene the working group under section 1 as soon as practicable to assist the Workers' Compensation Board and shall serve as chair.

The working group consists of 2 members of the Joint Standing Committee on Labor, Commerce, Research and Economic Development. The chairs of the joint standing committee may make recommendations for appointment of the 2 members to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate shall appoint one member of the Senate, and the Speaker of the House of Representatives shall appoint one member of the House of Representatives. Legislative members of the working group must be from each of the 2 parties holding the largest number of seats in the Legislature. The executive director shall appoint the following members:

1. One representative of the American Federation of Labor and Congress of Industrial Organizations;
2. One representative of the Maine State Chamber of Commerce;
3. One representative of the National Federation of Independent Business;
4. One attorney who primarily represents injured workers;
5. One former Workers' Compensation Board member;
6. Two representatives of workers' compensation insurance carriers;
7. One representative of the Workers' Compensation Coordinating Council of Maine;
- and
8. One representative of the construction industry.

The working group may request drafting assistance from the Legislative Council; and be it further

Sec. 3. Authority to report out legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over labor matters may report out a bill to the First Regular Session of the 127th Legislature related to the report of the Workers' Compensation Board submitted pursuant to section 1.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

SUMMARY

This amendment changes the title of the bill and replaces the bill with a resolve that directs the Workers' Compensation Board to study the issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation payments. The executive director of the Workers' Compensation Board is directed to convene a working group and to report to the joint standing committee of the Legislature

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COMMITTEE AMENDMENT "A" to S.P. 736, L.D. 1833

- 1 having jurisdiction over labor matters with recommendations and draft implementing
- 2 legislation by February 1, 2015.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 1833

LR 2820(02)

An Act To Improve Workers' Compensation Protection for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-491)
Committee: Labor, Commerce, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The projected costs for the per diem and expenses for the two legislators serving on the working group are projected to be \$500 in fiscal year 2013-14 and \$500 in fiscal year 2014-15. The Legislature's proposed budget includes \$10,000 in fiscal year 2013-14 and \$10,000 in fiscal year 2014-15 for legislative studies. Whether the amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

Fiscal Detail and Notes

Additional costs to the Workers' Compensation Board to convene a working group to conduct the required study and submit the required report can be absorbed within existing budgeted resources.